

## **REMARKS**

The Examiner has rejected claim 12 as being indefinite for depending upon a previously rejected base claim. Claim 12 has been amended to overcome this rejection.

Claims 1, 3, 5-6, 9, 13-17, 19-25 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Hoogmartens et al. (U.S. Patent No. 5,922,506) in view of Asano et al. (U.S. Patent No. 6,106,992).

Applicants respectfully disagree with this obviousness rejection, and believe that the claimed invention as currently before the Examiner is non-obvious in view of Hoogmartens and Asano. Applicants first note that Asano is directed to a positive working film, while Hoogmartens is directed to a negative film, and believe unlikely that one of skill in the art would combine these two films. Applicants also note that nothing in Asano teaches the need for an ink receptive layer, as required by the present claims. In fact, Asano teaches away from the invention by showing the use of a photomask to be used with the invention. Thus, one of skill in the art is likely to view Asano as having no need for, or teaching of, an ink receptive layer.

The distinguishing factors of Asano are even more apparent when one recognizes that the calcium carbonate is incorporated only into interior layers of a multi-layer material as filler. See, e.g., Figures 5A, showing protective films over both sides of the filled polymer. Thus, in Asano the calcium carbonate materials are not present in an ink receptive layer, and in fact are positioned in a layer that is not even near the exterior surface of the multilayer film. Not only is the position of the calcium carbonate in an inaccessible position in Asano, but the calcium carbonate is used as a completely non-functional ingredient that is intended to merely be a filler material. Nothing in Asano indicates beneficial properties of the calcium carbonate or useful improvements in performance that one can obtain from the incorporation of the calcium

carbonate. Therefore, nothing Asano would lead someone to believe that the calcium carbonate could be used as an ink receptive layer, as taught and claimed in the present application.

Thus, one of skill in the art would have no reason to appreciate that Asano offers any benefit to a person seeking an ink receptive layer, and would have no reason to combine it with Hoogmartens, rendering the obviousness rejections improper.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: December 16, 2004



Daniel M. Pauly  
Reg. No. 40,123

